Comments on the Notice of Proposed Rulemaking
(Docket No. FAA-1999-6265; Notice 99-17)
Addressing Financial Responsibility Requirements for Licensed Reentry Activities

Submitted by
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- The FAA proposal to grant both launch and reentry authorizations in a single RLV mission license represents an excellent approach to this issue, one which should help to streamline the approval process for commercial RLV operations.

- Likewise, using a seamless approach to financial responsibility requirements appears to be a reasonable and efficient method for treating the financial liability issue.

- Comments were solicited on "whether it is reasonable and prudent to separately assess and establish insurance requirements based upon launch or ascent risks as distinct from reentry or descent risks, and the circumstances, if any, under which it would be appropriate to do so." Orbital believes that for many RLV vehicles and missions, establishing a single per-mission insurance requirement would be desirable and appropriate; however, performing a separate assessment could be advantageous in some cases. One possible approach would be to have the RLV operator indicate in its licensing application whether it wished to apply for separate risk assessments for launch and reentry, if, for example, there appeared to be insurance cost benefits for doing so. The operator could provide the FAA with the rationale for such a request, which would be subject to FAA concurrence.

- Although using payload deployment to mark the end of the launch phase is reasonable for those RLVs involved in deploying payloads, many other kinds of missions are possible, including systems tests, experiment operations, or Earth observations. Therefore, it may be desirable to expand the definition of launch phase completion to cover "payload deployment, insertion into a stable orbit, or preparation for reentry, whichever comes first."

- The NPRM points out that "Not all RLVs are reentry vehicles," and notes that suborbitally operated RLVs would be regulated in accordance with the FAA's licensing authority over launches of vehicles in a suborbital trajectory. However, it will be important to ensure that an operator is not required to submit multiple applications or to deal with multiple approval organizations, if, for example, it is using a two-stage RLV whose first stage is not intended to reach orbit. Such a vehicle would have a much different trajectory than a typical suborbital sounding rocket that might have been licensed in the past.

- The amounts of Government property insurance and liability insurance that are required appear to be reasonable and consistent with the philosophy used in previously published rules for launch vehicles.